

Section II. (REMARKS)

Amendment of Claims to Comply with Examiner Spivack's Indication of Prospective Favorable Consideration in the June 8, 2005 Official Communication

This responds to the June 8, 2005 Office Communication in the above-identified application, wherein Examiner Spivack rejected claims 46-59 ("[T]he rejection of record is maintained over new claims 46-59 under 35 U.S.C. 112, first paragraph," but stated that "[F]avorable consideration would be given to claimed subject matter directed to Parkinson's disease following mirtazapine administration."

Consistent with the examiner's indication above-quoted, and her statement that "[T]he claims are inclusive of any movement disorder outside the scope of Parkinson's disease" (page 3, lines 12-13 of the June 8, 2005 Office Communication), claim 46 has been amended herein to specify the previously recited "movement disorder" as "Parkinson's disease-related movement disorder."

All remaining claims 47-59 are dependent either directly or indirectly from claim 46, and likewise embody such limitation.

Accordingly, it is requested that the rejection be withdrawn, since the claims have been amended consistent with the examiner's indication of subject matter that would be accorded "[F]avorable consideration."

Inasmuch as claims 1-45 have been cancelled in the March 28, 2005 Amendment¹, claims 46-59 now pending in the application as the only claims thereof, are in form and condition for allowance. Favorable action therefore is merited, and respectfully requested.

¹ Such cancellation of claims 1-45 was made with the reservation of the right to file a further application directed to subject matter of such claims, during the pendency of the present application or during the pendency of a further continuing or divisional application based on and claiming the priority of the instant application; corresponding reservation is likewise made of the right of further filing directed to the subject matter of the examples in the specification that relate to amelioration of non-Parkinson's disease movement disorders, e.g., action tremor.

Respectfully submitted,



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